REMARKS

In response to the Office Action mailed July 9, 2007, claims 1, 3, 10, 12, and 14-17 have been amended, and new claims 21-25 have been added. Therefore, claims 1-12 and 14-25 are currently pending, with claims 7-12 withdrawn from further consideration. Support for the amendments may be found, for example, in the specification, e.g., between page 4, line 29 and page 5, line 6, on page 5, lines 21-27, and on page 21, lines 23-34.

In addition, the specification has been amended to correct some obvious typographical errors, and to insert the application number for an application identified on page 7 of the specification. No new matter has been introduced.

Applicants appreciate the opportunity to discuss the present application during an interview with the Examiner on August 6, 2007. This Amendment is in furtherance of that interview.

In the Office Action, claims 1-4 and 14-17 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2002/ 0198592 ("the Wallace et al. reference"), claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Wallace et al. reference in view of U.S. Patent No. 5,618,299 ("the Khosravi et al. reference"), claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Wallace et al. reference in view of U.S. Patent No. 6,406,490 ("the Roth reference"), and claims 18-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over the Wallace et al. reference in view of U.S. Patent No. 6,733,525 ("the Yang et al. reference").

Because none of the cited references, either alone or in combination, discloses, teaches, or suggests the subject matter of the present claims, the rejections should be withdrawn.

With respect to the § 102(e) rejections, the Wallace et al. reference discloses intracranial stents that are formed from a sheet that is rolled tightly around the tip of a catheter such that the outer diameter of the stent will typically be 0.3 mm to 1 mm, or even smaller. Paragraph [0038]. Upon deployment, the stent will release and unroll or unwind to a diameter of about 1 mm or less, or as much as 5 or 6 mm. Paragraph [0039]. Such a stent is intended for delivery into very small arteries within the brain, e.g., having an internal diameter of about 1 mm to 5 mm, most commonly from 2-4 mm. Paragraph [0036].

Turning to the present claims, claim 1 recites an appliance structured ***and sized*** to take on a deployed configuration when located ***within the pharyngeal region***. The stents of the Wallace et al. reference are several magnitudes smaller than the claimed appliance, and would be incapable of being implanted within the pharyngeal region. Accordingly, claim 1 and its dependent claims are neither anticipated by nor otherwise obvious over the Wallace et al. reference.

Similarly, claims 14, 16, and 23 recite a method for maintaining patency of or for causing to become patent, open or unobstructed, a pharyngeal region. The Wallace et al. reference fails to disclose, teach, or suggest anything about implanting a device within the pharyngeal region.

Further, with respect to claim 23, the Wallace et al. reference fails to disclose, teach, or suggest pulling an elongated member into the mucosal layer with a needle to at least partially

implant the elongated member submucosally, as claimed. Accordingly, claim 23 is also neither anticipated by nor otherwise obvious over the Wallace et al. reference for this additional reason.

Finally, none of the other cited references discloses, teaches, or suggests implanting an appliance or elongated member within a pharyngeal region, which is wholly absent from the Wallace et al. reference. Accordingly, even if the other cited references may be properly combined with the Wallace et al. reference (which Applicants do not concede), the present claims would not be obvious over the combined teachings of the cited references.

Applicants submit that the pending claims are patentable over the cited prior art of record. Accordingly, reconsideration of the claims in light of the amendments made herein is requested.

Respectfully submitted,
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